

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:)	
)	
PEABODY ENERGY CORPORATION,)	
)	
Debtor,)	
_____)	
DMS CONTRACTING, INC.,)	
)	
Appellant(s),)	
)	
v.)	U.S. District Court
)	No. 4:18-CV-00306-RLW
PEABODY ENERGY CORPORATION,)	
)	
Appellee(s).)	

CASE MANAGEMENT ORDER - TRACK 4: BANKRUPTCY APPEAL

Pursuant to the Civil Justice Reform Act Expense and Delay Reduction Plan and the Differentiated Case Management Program of the United States District Court of the Eastern District of Missouri,

IT IS HEREBY ORDERED that the following provisions shall apply in this case, and will be modified only upon a showing of exceptional circumstances:

1. This case has been assigned to Track 4 (Administrative). Case disposition is expected to occur within 18 months of the docketing of the appeal in this Court.
2. The instant appeal has been entered on the docket of this District Court, pursuant to Fed.R.Bankr.P. 8004(c)(2), on **February 23, 2018**.
3. Pursuant to Fed.R.Bankr.P. 8018(a)(1), appellant shall serve and file a brief within thirty (30) days of the docketing of notice that the record has been transmitted or is available electronically.
4. Pursuant to Fed.R.Bankr.P. 8018(a)(2), appellee shall serve and file a brief within thirty (30) days after service of the brief of appellant. Pursuant to Fed.R.Bankr.P.8016(e)(2), if the

appellee has filed a cross-appeal, the brief of the appellee shall contain the issues and argument pertinent to the brief of the appellant, as well as to the cross-appeal.

5. Pursuant to Fed.R.Bankr.P. 8018(a)(3), appellant may serve and file a reply brief within fourteen (14) days after service of the brief of the appellee but a reply brief must be filed at least 7 days before any scheduled argument. Pursuant to Fed.R.Bankr.P. 8016(e)(4), if the appellee has cross-appealed, the appellee may file and serve a reply brief to the response of the appellant to the issues presented in the cross-appeal within fourteen (14) days after service of the reply brief of the appellant but a reply brief must be filed at least 7 days before any scheduled argument.

6. No further briefs may be filed except by leave of Court upon a showing of good cause. Briefs shall comply with the requirements of Fed.R.Bankr.P. 8014, 8015, 8016, and 8017, except that the length of briefs shall be governed by Local Rule 4.01.

7. In each party's first-filed brief, the party shall, under a separate caption denominated "Oral Argument," state and briefly explain the party's position as to whether oral argument shall be allowed. See Fed.R.Bankr.P. 8019.

8. Any motion to dismiss a procedurally defective appeal shall be filed within ten (10) days of the date of this order.

February 23, 2018.
Date

Gregory J. Linhares /
Clerk of Court

By: /s/ Jason Dockery /
JASON DOCKERY
Deputy Clerk